

Unmanned Aerial System (UAS) Operations

609.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval, and dissemination of images and data captured by the UAS.

609.1.1 DEFINITIONS

Definitions related to this policy include:

- (a) Unmanned Aerial System (UAS): An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)) and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means. UASs are commonly referred to as unmanned aerial vehicles (UAV) or drones.
- (b) Unmanned Aerial Vehicle (UAV): A small, unmanned aircraft weighing less than 55 lbs.
- (c) Certificate of Authorization (COA): Given by the Federal Aviation Administration (FAA) granting permission to fly the UAS within specific boundaries and parameters.
- (d) Part 107: A set of standards set by the FAA that regulates the operations of unmanned aircraft operated by commercial and public operators.
- (e) Observer: A member of the Oxnard Police Department, Oxnard Fire Department, or other designated City of Oxnard employee who is trained and authorized to maintain visual observation of the UAS while in flight.
- (f) Pilot: A member of the Oxnard Police Department or Oxnard Fire Department, or other designated City of Oxnard employee who is trained, certified and authorized to control a UAS during flight.

609.2 POLICY

It is the policy of the Oxnard Police Department to use unmanned aerial systems to enhance the Department's ability to protect lives and property, and document crime scenes and collision scenes. Any application of a UAS will be in accordance with Federal, State and City laws, to shall both respect Constitutional rights, privacy rights, search and seizure regulations, and Federal Aviation Administration (FAA) regulations.

609.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent consent, a warrant, or exigent circumstances, pilots and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Pilots and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

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609.4 UAS UNIT PERSONNEL

The Chief of Police will designate a Police Commander, who will be responsible for the oversight and management of the UAS Unit. The UAS Unit is a collateral assignment that includes both sworn and civilian personnel from the City of Oxnard.

609.4.1 UAS UNIT COMMANDER

The UAS Unit Commander will ensure that policies and procedures conform to current laws, regulations, and best practices, and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process, and ensuring that the COA is current.
- Ensuring that all authorized pilots and required observers have completed all required FAA and Department-approved training in the operation, applicable laws, policies, and procedures regarding the use of a UAS.
- Developing protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require the authorization of the UAS Unit commander or the authorized designee, depending on the type of mission.
- Developing a protocol for conducting criminal investigations involving the use of a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to: safety oversight, use of visual observers, the establishment of UAS contingency procedures, and ensure communication with air traffic control facilities.
- Developing a protocol for fully documenting all UAS missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all UAS obtained data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Serving as the official custodian of records for UAS obtained data or imagery, and responsible for the review and processing of such data pursuant to requests for records (e.g public records requests, subpoenas, legal discovery, etc.).

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- Recommending unit enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the unit to the Chief of Police.

609.4.2 UAS SERGEANT

The UAS Unit Commander shall assign a Police Sergeant to serve as the supervisor of the UAS unit. The sergeant is responsible for the following:

- Ensure that all flight operations personnel understand applicable regulatory requirements, standards, and organizational safety policies and procedures concerning UAS operations.
- Observe and control safety systems by monitoring and supervision of UAS pilots and observers.
- Measure pilot/observer performance compliance with organizational goals, objectives, and regulatory requirements.
- Review standards and the practices of agency personnel as they impact flight safety.
- The UAS Sergeant will ensure that the UAS safety officer receives the proper training to fulfill the duties of this role.

609.4.3 UAS PILOTS

- To be considered for selection as a UAS pilot, applicants must be in good standing with the Oxnard Police Department and meet any other standards required by the UAS Commander.
- A UAS pilot's primary duty is the safe and effective operation of the Oxnard Police Department's UAS in accordance with manufacturers' approved flight manual, FAA regulations, and agency procedures. Pilots must remain knowledgeable of applicable FAA regulations; the UAS manufacturer's flight manual, and the Oxnard Police Department's UAS manual, in addition to this policy.
- Pilots must maintain a valid FAA Part 107 certificate.
- In order to fly a mission (other than flights required for initial training or currency), pilots must have completed department required UAS training, including three (3) UAS currency events, within the previous 90 days. Currency events include landings, takeoffs, and simulator flights.
- Night missions require the same as the above, but the currency events must be completed at night. A simulator may not be used to complete night currency.
- UAS pilots may be temporarily removed from flight status at any time by the UAS Unit Commander, for reasons including but not limited to: performance, proficiency, etc. Should this become necessary, the pilot will be notified of the change in status.

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609.4.4 UAS FLIGHT SAFETY OFFICER

A UAS unit member may be designated as the UAS flight safety officer. The position will be in addition to other duties. The flight safety officer's duties may include:

- Copy and circulate pertinent safety information.
- Assist the sergeant in debriefing training sessions with an emphasis on safety concerns.
- Prepare a regular bulletin that contains, at a minimum, all reported safety-related problems and corrective actions taken. If there were any in-flight problems, the proper procedures for handling that problem will be discussed.
- It is emphasized that safety is the responsibility of all members, not just the safety officer.

609.4.5 FLIGHT OBSERVER

- The flight observer(s)'s primary function is to act as an airborne operations commander, coordinating operations between the UAS and ground personnel.
- The flight observer(s) must have completed the mandatory flight observer(s) training set forth by the UAS Sergeant.

609.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest, or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations shall only be conducted in accordance with current FAA regulations and provisions listed in the Department's COA.

All UAS pilots and observers shall follow the guidelines established in this policy.

609.5.1 CRIME SCENE AND COLLISION SCENE APPLICATIONS

A principal use of a UAS will be to conduct crimes scene and collision scene documentation. For these types of incidents, a UAS may be pre-programmed with a flight plan specific to the scene that is being documented. Use of the UAS in this capacity must be authorized by the UAS Unit Sergeant or above.

609.5.2 OFFICER SAFETY TACTICAL APPLICATIONS

A UAS may be deployed in an effort to protect officers from unnecessary exposure to danger. A UAS may also be deployed to minimize the risk of injury to bystanders, officers, and suspects, and enhance the likelihood of bringing peaceful resolutions to potentially deadly incidents. Use of the UAS for these safety purposes should be limited to incidents involving violent felony suspects or involving persons who are emotionally or mentally debilitated and pose a risk of serious bodily

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injury or death to themselves or others. Examples of these types of incidents include, but are not limited to, armed barricaded suspects, armed suicidal suspects, high-risk search warrants, high-risk violent offender apprehension, hostage situations and bomb threat/improvised explosive device investigations. These types of incidents will likely require remote manual operation of the UAS. Use of an UAS in this capacity must be authorized by the UAS Unit Commander or higher.

609.5.3 SWAT AND TACTICAL OPERATIONS

Deployment of the UAS as part of a SWAT operation is authorized as long as its use meets the standards for “Authorized Uses of UAS” listed above. Deployments inside buildings will be subject to the restrictions currently in place for deploying robots, pole cameras, and other observation devices utilized by SWAT, to include search warrant requirement. Use of an UAS in this capacity must be authorized by the UAS Unit Commander or higher.

609.5.4 GENERAL PUBLIC SAFETY MISSIONS

A UAS may be deployed anytime a UAS would serve as a benefit to public safety, improve operational safety, stabilize incidents. Deployment situations include, but are not limited to:

- (a) Mass casualty events
- (b) Search and rescue events
- (c) Searches for missing persons
- (d) Disaster response and recovery operations
- (e) Suspected explosive device investigations
- (f) Fire suppression operations or fire investigations
- (g) Hazardous material response operations
- (h) Commercial and residential fires
- (i) Scene mapping
- (j) Flood events
- (k) Special event planning and observation
- (l) When there is probable cause to believe that the UAS will record images of a place, thing, condition, or event and that those images tend to show a felony has been committed or tends to show that a particular person has committed a felony.
- (m) Training missions
- (n) Mutual Aid support when the underlying mission meets the uses outlined in this policy.

609.5.5 ASSISTING OTHER CITY AGENCIES

A UAS may be deployed to assist another City of Oxnard agency as long as the deployment is authorized by the UAS Unit Commander or higher, and the UAS is operated in accordance with this policy. Deployment situations include, but are not limited to:

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- (a) Aerial surveying and geographic information systems (GIS) support;
- (b) Traffic engineering support
- (c) Infrastructure inspections / assessments (e.g. pre-event and post-event)

609.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

Employees are prohibited from retaining recordings of activities or information obtained during an on-duty UAS deployment. Employees shall not duplicate or distribute such recordings, except for the authorized legitimate Department business purposes. Unless for official business, recordings of any type shall not be posted to or distributed via the internet, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video or other file sharing sites without prior approval from the Chief of Police. All such recordings shall be retained by the Department.

609.7 TRAINING WITH UAS VIDEO FILES

Video files from a UAS deployment may be utilized as a training tool for individuals, specific units, and the Department. Department members recommending utilization of a UAS video file for training purposes will submit the recommendation for approval through the chain of command to their Division Commander.

609.8 FLIGHT LOGS

Each authorized UAS pilot will maintain a standardized flight log. Pilots will log the date, flight time and locations of all UAS deployments. All UAS flight logs shall at a minimum note: case number, incident type, automated flight or manual flight, and whether photo images or video were captured during the flight.

609.9 RETENTION OF UAS DATA

- (a) Data collected by the UAS shall be retained as provided in the established records retention schedule.
- (b) All data collected shall be retained for a period consistent with the requirements of the Department's records retention schedule, but in no event for a period less than 2½ years.

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- (c) Any recording associated with a criminal case will be retained in the same manner as evidence for that case, but shall not be purged prior to 2 ½ years.

609.10 RELEASE OF RECORDINGS

Recordings made using any City-owned UAS pursuant to this policy are deemed as Department and City records, and may only be released as provided in Policy Manual § 810 (Release of Records and Information) or for other authorized legitimate Department business purposes.

609.11 REVIEW OF RECORDED MEDIA FILES

- (a) When preparing written reports or for oral statement or testimony, employees may review UAS recordings as a resource. However, employees should not use the fact that a recording was made as a reason to write a less detailed report. The unit commander or supervisor assigned to the UAS unit may routinely inspect recordings, provided that the inspections are reasonable, conducted in good faith, and not for the sole purpose of searching for violations of Department policy or law not related to a specific complaint or incident. Recorded files may also be reviewed:
 - 1. By any employee, his or her attorney or representative, who is participating in, as a subject or witness, an official investigation, such as a personnel complaint, administrative investigation or criminal investigation, if the subject officer's image or voice is captured on the recorded file or the officer was present during the incident.
 - 2. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
 - 3. By media personnel with permission of the Chief of Police or the authorized designee. In compliance with a public records request, if permitted, and in accordance with Policy Manual § 810.
 - 4. In compliance with a public records request, if permitted, and in accordance with Policy Manual § 810.